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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,735	07/08/1999	JAMES MCKEETH	5949-11	7062

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EXAMINER
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CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/349,735

Applicant(s)

MCKEETH, JAMES

Examiner

Truc T Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 14-16 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 14-16 and 19-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is responsive to RCE, filed 02/04/05.

Claims 1-5, 8, 14-16, 19-22, and 23-40 are pending in this application. Claims 1, 14, 19, 22, 25, and 33 are independent claims. In the communication, all independent claims are amended, and claims 6-7, 9-13, and 17-18 are previously cancelled. This action is a non-final.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5, 8, 14-16, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the specification, the Applicant fails to explain how to generate a disk image and the generating steps to be able to support the claims. The Applicant should explicitly define how the disk image is generated different from creating a report after diagnosing the client system to the claim language.

All other dependent claims 2-5, 8, 15-16, and 20-21 are also rejected because of their dependency.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8, 14-16, 19-22, and 23-40 are rejected under 35 U.S.C. 102(e) as being anticipate by Sullivan et al. (U.S. Patent No. 6,694,314 B1).

As to claims 1 and 22, Sullivan teaches a method for performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising:

presenting via the electronic device a graphical representation of a text markup language document providing control for maintenance and diagnostics of the electronic device to an end user wherein the graphical representation includes at least one user interactive control for activating a hypertext link (an "active content" page is Web-based content (i.e., content viewable by a Web browser) that has one or more diagnostic maps initiated when certain actions are taken (e.g., selecting a link, clicking a button, or the like), a given diagnostic map is associated with a page via a URL, although any convenient mechanism may be used to associate a page and a map. When that URL results from selecting a link or button on the Web page, a Web server supporting the support chain automation system has extensions that recognize it as a map, e.g., col. 3 lines 15-39, and figs. 7-8);

receiving an activated hypertext link from the end user wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes specifying a target and a uniform resource locator (e.g., col. 8 lines 53-67, and col. 9 lines 30-49);

determining in the electronic device whether the activated hypertext link satisfies predetermined criteria (an HTTP request is then made to the automated technical support server, and based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed a link to a Current Category that the problem is associated with, and a set of SubCategories, each with appropriate links, e.g., col. 8 lines 30-50); and

generating a disk image responsive to receiving the activated hypertext link (Examiner interprets that generating a disk image is similar to creating a report after diagnosing the client system unless the Applicant explicitly defines how the disk image is generated in to the claim language. In the specification, the Applicant fails to clearly explain the generating steps to be able to support the claim. The Sullivan's invention provides one or more diagnostic maps; the system performs an electronic diagnosis of the user's system and facilitates further automated technical support, e.g., col. 11 lines 30-55, figs. 8, 9, & 12).

As to dependent claim 2, Sullivan teaches the text markup language is hypertext markup language (HTML, e.g., col. 11 lines 10-25).

As to dependent claim 3, Sullivan teaches the text markup language is Rich Text Formatting (HTML is a Rich Text Formatting).

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As to dependent claim 4, Sullivan teaches generating a disk image comprises executing a file designated by the uniform resource locator (e.g., the user activates the link to diagnose the system, col. 3 lines 15-38, and col. 11 lines 30-55, figs. 8, 9, & 12).

As to dependent claim 5, Sullivan teaches the method further comprising looking up the uniform resource locator in a database and wherein generating the disk image is responsive to information specified in the database as relating to the uniform resource locator (e.g., col. 8 lines 30-50).

As to claim 8, Sullivan teaches generating the disk image comprises executing a disk image dialogue with a source specified in the uniform resource locator (e.g., col. 3 lines 15-38, and col. 11 lines 30-55, figs. 8, 9, & 12).

As to claims 14-16, they are the equivalent system claims of method claims 1, 5, and 2 respectively and are rejected under a similar rationale.

As to claims 19-21, they are the equivalent computer program product claims of method claims 1, 5, and 4 respectively and are rejected under a similar rationale.

As to dependent claim 23, Sullivan teaches performing the computer maintenance action comprises generating a disk image (e.g., col. 3 lines 15-37).

As to dependent claim 24, Sullivan teaches performing the computer maintenance action comprises installing a device driver for a hardware component of the electronic device (e.g., figs. 8-12).

As to claim 25, Sullivan teaches a method of performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising:

presenting via the electronic device a graphical representation of a text markup language document providing control for maintenance and diagnostics of the electronic device to an end user wherein the graphical representation includes at least one user interactive control for activating a hypertext link (an "active content" page is Web-based content (i.e., content viewable by a Web browser) that has one or more diagnostic maps initiated when certain actions are taken (e.g., selecting a link, clicking a button, or the like), a given diagnostic map is associated with a page via a URL, although any convenient mechanism may be used to associate a page and a map. When that URL results from selecting a link or button on the Web page, a Web server supporting the support chain automation system has extensions that recognize it as a map, e.g., col. 3 lines 15-39, and figs. 7-8);

receiving an activated hypertext link from an end user wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes specifying a target and a uniform resource locator (e.g., col. 8 lines 53-67, and col. 9 lines 30-49);

determining in the electronic device whether the activated hypertext link satisfies predetermined criteria (an HTTP request is then made to the automated technical support server, and based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed a link to a Current Category that the problem is associated with, and a set of SubCategories, each with appropriate links, e.g., col. 8 lines 30-50);

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identifying a utility program based, at least in part, on the uniform resource locator (e.g., figs. 8-9);

extracting device information from the uniform resource locator; and executing the utility program associated with the device information (the system performs an electronic diagnosis of the user's system and facilitates further automated technical support when the user activates the URL, e.g., col. 11 lines 30-55, figs. 8, 9, & 12), wherein executing the utility program comprises:

identifying a hardware component associated with the device information (support system can automatically check a user's computer to determine whether a specific hardware or software conflict exists and then automatically resolve that conflict, e.g., from a support note, e.g., col. 2 lines 30-37);

retrieving a hardware device driver associated with both the device information and the hardware component in the electronic device (figs. 8, 9, & 12);

installing the hardware device driver (installed software versions, e.g., col. 13 line 23); and

configuring the hardware device driver (reconfigure the software, e.g., col. 13 line 30).

As to dependent claim 26, Sullivan teaches extracting device information comprises retrieving information from a database (from a content database, e.g., col. 2 lines 18-22).

As to dependent claim 27, Sullivan teaches the device information comprises a device identifier (e.g., figs. 8-9).



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As to dependent claim 28, Sullivan teaches the device information comprises a subsystem identifier (fig. 9 shows the WWINTL32.DLL library file is considered a subsystem of the Microsoft Word 97).

As to dependent claims 29-30, Sullivan teaches configuring the hardware device driver comprises deleting (modifying) at least one file (it would have been inherent that the Sullivan's system has the capability of fixing, removing, deleting, or replacing a file (if it is an error file as shown in fig. 8) during configuring or fixing the client's software).

As to dependent claim 31, Sullivan teaches configuring the hardware device driver comprises deleting at least one registry entry (checking registry, e.g., 13 lines 28-30).

As to dependent claims 32, Sullivan teaches installing the hardware device driver comprises rebooting the electronic device (it would have been inherent that the Sullivan's system has the capability of rebooting the electronic device because the most of the Microsoft Windows' software (as shown in figs. 8-9) after they are installed, updated, or reconfigured, the user has to reboot the computer to reactive the new software version).

As to claims 33-40, they are the equivalent system claims of method claims 25-32 respectively and are rejected under a similar rationale.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Langfahl, Jr. (U.S. Patent No. 6,031,528) teaches network diagnostic tools, reports, Internet, and HTML (cols. 2-6, and figs. 1 & 5).

Griffin et al. (U.S. Patent No. 6,442,714) teaches test reports, links, and database (cols. 1-7 and figs. 3-7).

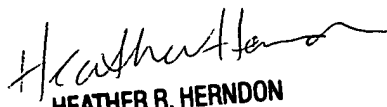
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/14/05

  
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